



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-3503 FAX (603) 271-2982



Town of Pittsfield
Town Office
P.O. Box 98
Pittsfield, NH 03263

**ADMINISTRATIVE ORDER
BY CONSENT
No. WD 01-01**

Re Pittsfield Wastewater Treatment

A. Introduction

This Administrative Order by Consent is issued by the Department of Environmental Services, Water Division to, and with the consent of, the Town of Pittsfield, pursuant to RSA 485-A:22. This Administrative Order by Consent is effective upon signature by both parties.

B. Parties

1. The Department of Environmental Services, Water Division ("DES"), is a duly constituted administrative agency of the State of New Hampshire, with principal offices at 6 Hazen Drive, Concord, NH 03301.
2. The Town of Pittsfield ("Pittsfield") is a duly-constituted municipality of the State of New Hampshire having a mailing address of P.O. Box 98, 85 Main Street, Pittsfield, NH 03263

C. Statements of Facts and Law

1. Pursuant to RSA 485-A:13 and related sections, DES regulates the discharge of pollutants to surface waters under a permit system. As part of this program, the Commissioner of DES has adopted Env-Ws 401 - 405 relating to permits and has adopted Env-Ws 1700 to establish water quality standards for the state's waters.
2. Pittsfield owns and operates a wastewater treatment Facility located at 127 South Main Street, Pittsfield, NH (hereinafter "the Facility").
3. The discharge from the Facility to the Suncook River ("the Discharge") is permitted under the terms of federal National Pollutant Discharge Elimination System ("NPDES") Permit number NH0100986 issued by the United States Environmental Protection Agency ("USEPA") to the Facility on August 24, 1997. This NPDES Permit also constitutes a State discharge permit under RSA 485-A:13, I (a) and New Hampshire Administrative Rules Env-Ws 401 - 405. The federal and state permits are collectively referred to hereinafter as the "NPDES Permit".

4. The NPDES Permit authorizes the discharge of treated wastewater to the Suncook River through Outfall 001, subject to effluent limitations, monitoring requirements, and other specific conditions.

The Suncook River is classified, pursuant to RSA 485-A:8,II

6. Pursuant to RSA 485-A:8, II, there shall be no disposal of waste into Class B waters except those that have received adequate treatment to prevent objectionable physical characteristics. Disposal of waste shall not be harmful to aquatic life or to the maintenance of aquatic life in said receiving waters. Further, Class B waters shall be acceptable for swimming fishing and other recreational purposes.

7. NPDES Permit Part I.A.1, Effluent Limitations, limits the discharge of total suspended solids ("TSS") on a concentration basis (milligrams per liter -- mg/l) to:

- a. 30 mg/l for a monthly average,
- b. 45 mg/l for a weekly average, and
- c. 50 mg/l for a daily maximum.

8. NPDES Permit Part I.A.1, Effluent Limitations, limits the discharge of TSS on a mass loading basis (pounds per day – lbs/day) to:

- d. 100 lbs/day for a monthly average,
- e. 150 lbs/day for a weekly average, and
- c. 167 lbs/day for a daily maximum.

9. NPDES Permit Part I. Footnotes.A.1(e) requires that the discharge shall maintain a minimum of 85 percent removal of TSS.

10. For the monitoring period of January 1995 through October 2000, DES recorded 65 exceedances of the TSS concentration permit limit. Attachment 1 more specifically identifies these violations.

11. For the monitoring period of January 1995 through October 2000, DES recorded 23 exceedances of the TSS mass loading permit limit. Attachment 2 more specifically identifies these violations.

12. From the monitoring period of January 1995 through October 2000, DES recorded TSS percent removal permit exceedances. Attachment 3 more specifically identifies these violations.

13. Pittsfield's Sewer Use Ordinance ("SUO") specifies a total chromium ("chromium") concentration limit of 0.15 mg/l. Pittsfield granted the Suncook Leathers Tannery ("Tannery") a waiver of this limit to 2 mg/l. According to the 1988 Weston Report, the 1980-1987 data show the actual Tannery chromium concentration discharges ranged from <1 mg/l to 20 mg/l with an average chromium concentration of 6 mg/l. Pittsfield was advised in the 1988 Weston Report to hold the Tannery at the 2 mg/l chromium limit and if necessary, reduce the limit.

14. The 2000 TTG Report states that Pittsfield, historically, has not enforced the pretreatment SUO limit for chromium with the Tannery. The Facility currently has no means to monitor the Tannery discharge and, therefore, the Facility lagoons receive whatever the Tannery discharges.

Based on two sets of metals sampling results, the 2000 TTG Report estimates the mass of chromium in the lagoon sludge to be approximately 28,000 lbs to 37,600 lbs.

15. The 1988 Weston Report estimated the sludge accumulation in the Facility lagoons to be approximately 6 inches and advised Pittsfield to undertake a sludge study to determine a more accurate sludge quantity estimate and begin sludge removal if necessary.
16. Pittsfield never conducted a sludge study and the 2000 TTG Report estimates sludge accumulation to be approximately 30 inches in the first lagoon. The 2000 TTG Report estimates the second and third lagoons to have approximately 10 inches and 8 inches of sludge, respectively. DES typically recommends sludge removal occur for lagoon facilities when there is approximately 12 inches of accumulation in the primary lagoon. DES advised Pittsfield to remove the sludge on June 16, 1999.
17. The 2000 TTG Report states, "excessive algae being the primary cause of effluent TSS violations...The driving force that intensifies the algae bloom and extends its duration is the massive amount of sludge stored in the lagoon system."
18. Excess I/I may result in decreasing the influent concentration to the Facility. This diluted influent stream may be related to the TSS percent removal permit exceedances.
19. NPDES Permit Part I.A.1, Effluent limitations, limits the discharge of chlorine for a monthly average of 0.074 micrograms/liter ("µg/l") and the discharge of bacteria for a monthly average to 126 counts per 100 milliliters ("cnts/100 ml").
20. Based on discussions between Pittsfield, DES and EPA on December 7, 2000, Pittsfield acknowledged difficulty in meeting both chlorine limits and bacteria limits simultaneously. Pittsfield believes this is caused by undue chlorine demand from solids and algae.
21. For the reporting period of November 2000, DES recorded a chlorine monthly average violation of 0.090 micrograms per liter and a bacteria monthly average violation of 142 counts per 100 milliliters.

D. Determination of Violations

1. Pittsfield violated NPDES Permit Part I.A.1 from May 1995 to May 2000 by discharging TSS in concentrations greater than the permit allows.
2. Pittsfield violated NPDES Permit Part I.A.1 from March 1998 to May 1999 by discharging TSS in mass loadings greater than the permit allows.
3. Pittsfield violated NPDES Permit Part I.Footnotes.A.1 from January 1995 to October 2000 by not meeting the 85 percent TSS removal requirement.
4. Pittsfield violated NPDES Permit Part I.A.1 in November 2000 for chlorine and bacteria.

E. Order

Based on the above findings and determinations, DES hereby orders Pittsfield to undertake and complete the following in accordance with the time schedules specified:

1. By **March 15, 2001**, complete and submit to DES the preliminary engineering design for the septage receiving area, lagoon process improvements, and head works improvements and repairs, as called for in the 2000 TTG Report.
2. By **March 19, 2001** hire a sludge removal contractor and begin the removal of the accumulated sludge from all three lagoons.
3. By **April 30, 2001**, complete the sludge removal from lagoon No
4. By **April 30, 2001**, develop and begin implementation of a 3-month sampling program to collect Tannery pretreatment system effluent 24-hour composite samples and Facility influent 24-hour composite samples and effluent grab samples for total chromium analysis to assess the impact of the Tannery discharge on the Facility. The Town shall collect the Tannery effluent samples twice weekly on varying days and the Facility influent and effluent samples once each week. The Town shall initiate sampling no later than April 30, 2001 and continue for 3 months or until July 31, 2001, whichever is sooner.
5. By **May 1, 2001**, install dechlorination to the process in order to meet both chlorine and bacteria limits.
6. By **May 15, 2001**, or within 30 days of DES design approval, whichever is later, submit the final design and construction documents to DES for the item in E.1. above.
7. By **May 31, 2001**, complete the removal of sludge from lagoon Nos. 2 and 3 and remove all the sludge from the Facility grounds for proper reuse and/or disposal.
8. By **June 15, 2001**, or within 30 days of DES approval, whichever is later, solicit bids and award the construction contract.
9. By **August 1, 2001**, fully evaluate the existing Sewer Use Ordinance (SUO) and the need for upgrading the pretreatment portion of the SUO, including the need for establishing local discharge limits and submit findings to DES for review and approval.
10. By **August 1, 2001**, develop and submit to DES a complete list of all non-domestic sewer connections.
11. By **August 30, 2001**, evaluate chromium data collected and submit proposed chromium limits for the Tannery to DES and EPA for review and approval.
12. By **September 30, 2001**, develop and issue the pretreatment permit to the Tannery and implement enforcement of the permit.

13. By **November 30, 2001**, expand the pretreatment program to all regulated non-domestic sewer connections.
14. By **January 15, 2002**, complete construction of the facility upgrade.
15. Send all correspondence and all data, reports and other submissions required by this Order to:

Ms. Sharon L. Ducharme P.E.
DES-WD/WWEB
P.O. Box 95
Concord, NH 03302-0095

copy to: Ms. Joy Hilton
USEPA Region 1/Water Technical Unit
1 Congress St., Suite 1100
Boston, MA 02114-2023

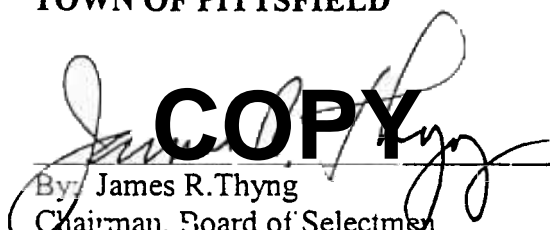
F. STIPULATED PENALTIES

1. In accordance with Env-C 603.08(a), Pittsfield agrees to pay \$2,000 per month or portion thereof that compliance is not achieved after the deadline specified in the Order for each provision of the Order not complied with.
2. Based on the Town's cooperation and efforts to comply with this Order, DES agrees to waive penalties for the violations documented in Attachments 1-3 contingent upon Pittsfield upgrading the wastewater treatment plant to achieve compliance with the Town's NPDES permit.
3. If stipulated penalties become due, payment shall be by certified check made payable to "Treasurer, State of New Hampshire" and mailed to DES Legal Unit, 6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095, attn: Jim Ballentine, Paralegal, within 15 days of receipt of notice from DES that payment is required.

G. CONSENT AND WAIVER OF APPEAL

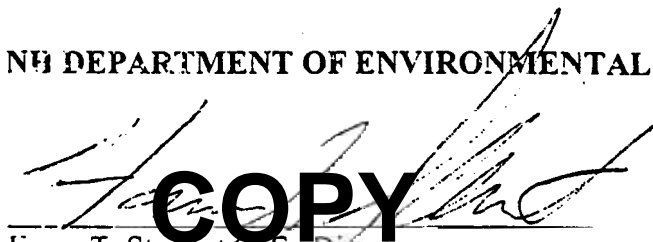
1. By execution of this Administrative Order by Consent, Pittsfield agrees that this Order shall apply to and be binding upon Pittsfield, its officers, directors, successors and assigns, and agrees that this Order may be entered and enforced by a court of competent jurisdiction
2. By execution of this Administrative Order by Consent, Pittsfield waives any right to appeal this Administrative Order by Consent provided by statute, rule or common law, including without limitation the right to appeal the Water Council, and waives any right to object to the entry and enforcement of this order by a court of competent jurisdiction.

TOWN OF PITTSFIELD


COPY
By: James R. Thyng
Chairman, Board of Selectmen
Duly Authorized

02/20/01
Date

NH DEPARTMENT OF ENVIRONMENTAL SERVICES


COPY
Harry T. Stewart, P.E., Director
Water Division

3/5/01
Date


COPY
Robert W. Varney, Commissioner

3/5/01

Selectmen, Pittsfield
Fred Welch, Town Administrator
Joseph M. Ducharme Jr., P.E., TTG
Mike Walls, NHDOJ/AGO
Gretchen Rule, NHDES Enforcement Coordinator
Joy Hilton, USEPA
Sharon Ducharme, P.E., NHDES WWEB